

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6630 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DIPESH ABHENDRALAL DESAI

Versus

STATE OF GUJARAT

Appearance:

MR RR MARSHALL for Petitioners

Mr D C Dave, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 19/11/97

ORAL JUDGEMENT

RULE. Mr D C Dave, learned APP waives service of Rule.

The petitioner was granted anticipatory bail for a limited period by order dated 29.10.1997. The interim bail was granted prior to filing of the complaint. It is stated by the learned Advocate that now the complaint has been filed against the petitioner for offences under

sections 406, 420 and 120-B. The petitioner further says that there was no occasion for applying for regular bail as he was never arrested.

2. Considering the facts and circumstances of the case, it would be appropriate if the petitioner approaches at the first instance, to the Court of Sessions Judge. If any such application is filed, the same shall be considered on its own merit by the concerned Court without being influenced that this Court on earlier occasion, granted anticipatory bail. It is made clear that this Court had no occasion to examine the merit of the case as it was granted before filing of the complaint. Since this Court had given a direction not to arrest the petitioner, it is considered appropriate to extend the same for a further period of one week on the same terms and conditions, in order to enable the petitioner to approach the Court of Sessions Judge.

3. In view of the aforesaid, the learned Advocate seeks permission to withdraw this application. Permission granted. Dismissed as withdrawn. Rule discharged. Direct Service is permitted.

19.11.97 [N N Mathur, J]

msh.